

DOCKET NO: 293482US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NAOYOSHI HATAKEYAMA, ET AL. : EXAMINER: NAGUBANDI, LALITHA
SERIAL NO: 10/588,080 :
FILED: JANUARY 10, 2007 : GROUP ART UNIT: 1621
FOR: ADAMANTANE DERIVATIVES AND :
PROCESS FOR PRODUCING THE SAME

PETITION UNDER 37 C.F.R. § 1.137 TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Pursuant to 37 C.F.R. § 1.137, the undersigned Petitioner hereby respectfully requests that: (1) the holding of abandonment be withdrawn; and (2) the period for response to the Restriction Requirement dated June 11, 2007 be reset, based on a failure to receive the Restriction Requirement due to the fact that the Restriction Requirement was not available for downloading from the Image File Wrapper (IFW) at the time Applicant's Representative entered the IFW via the Patent Application Information Retrieval (PAIR) system.

Evidence substantiating the failure to receive the Restriction Requirement is summarized in detail in the following "Statement of Facts," which includes, in accordance with MPEP § 711.03(c)(I)(A), the following: (1) an executed statement from the undersigned Petitioner averring that the Restriction Requirement was not received and attesting to the fact that a search of the file jacket and docket record indicates that the same was not received; and (2) a copy of the July 11, 2007 docket record where the non-received Restriction Requirement would have been entered had the same been received and docketed.

STATEMENT OF FACTS

In response to the June 11, 2007 "e-notification," Applicant's Representative Docketing Staff went into the above-identified application's IFW via the PAIR system on the *morning* of June 11, 2007. Since

there was nothing available for downloading at that time other than the Notice of Publication of Application, it was therefore assumed that the "e-notification" of June 11, 2007 was directed solely to the Notice of Publication.

In response to a call from Examiner Nagubandi on December 13, 2007, Applicant's Representative checked Private PAIR, where the Restriction Requirement dated June 11, 2007 was initially discovered. After checking the file jacket and the enclosed July 11, 2007 docket record where the non-received Restriction Requirement would have been entered had the same been received and docketed, and determining that the Restriction Requirement had not been received and docketed, Applicant's Representative spoke with Tony Uranga, Program Analyst with the Office of Search and Information Resources Administration, who confirmed via the Patent Electronic Business Center's auditing software that the Restriction Requirement was not uploaded into the IFW until the *late evening* of June 11, 2007.

It is noted that since the June 11, 2007 "e-notification" is not issued at a document level and because the "e-notification" was viewed on the *morning* of June 11, 2007, a courtesy reminder postcard would not have been mailed for the Restriction Requirement.

Applicant's Representative further states that they were neither aware of the Restriction Requirement prior to receiving the call from Examiner Nagubandi on December 13, 2007, nor was a paper copy of the Restriction Requirement ever received via regular mail.

Consequently, it is respectfully requested that this petition be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
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DAILY DOCKET

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Due	Due Date	Description:	OPTMS Case ID	ODS Docket No	Sec	Case Type	Appln No	Rsp Atty
7/7/07	Due Date	1st OA Resp (2nd)	271809US		0	NAT.US.P	11/120,985	NFO
7/10/07	Due Date	File By	287916US		2	CONT.US.P		MJS
7/10/07	Due Date	File Replies to Opps to Minc. Guinness (Time D4 7)	297659US		2	INT.US		JK
7/11/07	Due Date	OA Response	202622US		0	NAT.US	10/322,433	NFO
7/11/07	Due Date	Final Resp	210374US		0	NAT.US.P	09/903,785	NFO
7/11/07	Due Date	Appeal Brief	224420US		0	PCT.US.2.P	10/168,967	NFO
7/11/07	Due Date	Designate Small Entity	224719US		0	NAT.US		JDM
7/11/07	Due Date	File By	224719US		0	NAT.US		JDM
7/11/07	Due Date	POA File By	224836US		0	PCT.US.2.P	10/168,546	NFO
7/11/07	Due Date	OA Response	233164US		0	CONT.US.P	10/351,306	NFO
7/11/07	Due Date	Seq Listing Reqs	233164US		0	CONT.US.P	10/351,306	NFO
7/11/07	Due Date	Final Resp	233164US		0	REG.PROV.US	10/463,523	NFO
7/11/07	Due Date	OA Response	239271US		0	REG.PROV.US	10/463,679	NFO
7/11/07	Due Date	IDS - Section	240882US		0	NAT.US.P	10/626,521	NFO
7/11/07	Due Date	OA Response	245597US		0	NAT.US	10/765,863	RTP
7/11/07	Due Date	1st OA Resp	246930US		0	PCT.US.2.P	10/482,282	NFO

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7/11/07	Due Date	Final Resp	2472371US		0	PCT.US.2.P	10/482,156	NFO
7/11/07	Due Date	1st OA Resp	2495781US		0	PCT.US.2.P	10/489,316	NFO
7/11/07	Due Date	Oral Hearing date 9:00Am	251290US		0	NAT.US.P	10/815,650	NFO
7/11/07	Due Date	OA Response	252321US		0	PCT.BYPASS.2	10/831,156	NFO
7/11/07	Due Date	Final Notice of Appeal (3rd)	254556US		0	NAT.US.P	10/867,710	NFO
7/11/07	Due Date	Restriction Resp	255563US		0	PCT.US.2.P	10/500,968	NFO
7/11/07	Due Date	1.56 File By	258106US		0	PCT.US.2.P	10/508,702	NFO
7/11/07	Due Date	Drawings Due	258106US		0	PCT.US.2.P	10/508,702	NFO
7/11/07	Due Date	OA Response	258106US		0	PCT.US.2.P	10/508,702	NFO
7/11/07	Final	Notice of Appeal (3rd)	259781US		0	NAT.US.P	10/957,828	NFO
7/11/07	Due Date	1st OA Resp	262202US		0	PCT.US.2.P	10/514,716	NFO
7/11/07	Due Date	1st OA Resp	264558US		0	PCT.US.2.P	10/517,390	NFO
7/11/07	Due Date	Notice of Appeal	274553US		0	NAT.US.P	11/115,122	NFO
7/11/07	Due Date	1st OA Resp	273100US		0	PCT.US.2.P	10/541,307	NFO
7/11/07	Due Date				0	NAT.US.P	11/167,304	NFO
7/11/07	Due Date				0	CONT.US.P	11/196,452	RDK

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7/11/07	Due Date	IDS Due	276146US		0	DIV.US.P	11/196,459	RDK
7/11/07	Due Date	Seq List Reqs	278488US		0	REG.PROV.US	11/224,952	NFO
7/11/07	Due Date	Drawings Due	278488US		0	REG.PROV.US	11/224,952	NFO
7/11/07	Due Date	OA Response	278488US		0	REG.PROV.US	11/224,952	NFO
7/11/07	Due Date	IDS Due	286633US		0	CONT.US.P	11/322,245	RDK
7/11/07	Due Date	OA Response	288263US		0	DIV.US.P	11/378,264	NFO
7/11/07	Due Date	1.56 File By	290010US		0	REG.PROV.US	11/733,797	NFO
7/11/07	Due Date	1.56 File By	291693US		0	REG.PROV.US	11/741,792	NFO
7/11/07	Due Date	IDS Due	292161US		0	NAT.US.P	11/610,801	NFO
7/11/07	Due Date	IDS Due	292161US		0	NAT.US.P	11/498,752	NFO
7/11/07	Due Date	Restriction Resp	294357US		0	NAT.US.P	11/512,125	NFO
7/11/07	Due Date	POA File By	295498US		0	NAT.US.P	11/508,893	NFO
7/11/07	Due Date	File By	304341US		0	DIV.US.P		NFO
7/11/07	Due Date	IDS Due	306886US		0	PCTBYPASS.2	11/733,989	NFO
7/11/07	Due Date	Declaration Due	308074US		0	PCTBYPASS.2	11/740,541	NFO
7/11/07	Due Date	IDS Due-Section	308074US		0	PCTBYPASS.2	11/740,541	NFO

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Due	Due Date	Description:	OPTMS Case ID	ODS Docket No	Sec	Case Type	AppIn No	Rsp Atty
7/11/07	Final	File By (3rd)	311564US	<i>EPH</i>	0	DIV.US.P		NFO
7/11/07	Due Date	Fax By	312038US	<i>FXB</i>	0	NAT.US.P		NFO
7/11/07	Due Date	File By	312068US	<i>EPH</i>	0	PROV.US		NFO
7/11/07	Final	Priority File By (30 mos)	310795US	<i>EPH</i>	<i>EPH</i> 1/1	PCT.US.2.P		JJK
7/11/07	Due Date	IDS Due-FF	310795US	<i>EPH</i>	1/1	PCT.US.2.P		JJK
7/11/07	Due Date	IDS Due-FF	311257US	<i>EPH</i>	1/1	PCT.US.2.P		NFO
7/11/07	Final	Priority File By (30 mos)	311257US	<i>EPH</i>	1/1	PCT.US.2.P		NFO
7/11/07	Final	Priority File By (30 mos)	311668US	<i>EPH</i>	1/1	PCT.US.2.P		NFO
7/11/07	Due Date	IDS Due-FF	311668US	<i>EPH</i>	1/1	PCT.US.2.P		NFO
7/11/07	Due Date	IDS Due-FF	311691US	<i>EPH</i>	1/1	PCT.US.2.P		NFO
7/11/07	Due Date	Designate Small Entity	311691US	<i>EPH</i>	1/1	PCT.US.2.P		NFO
7/11/07	Due Date	File By	311691US	<i>EPH</i>	1/1	PCT.US.2.P		NFO
7/11/07	Due Date	Final Resp			2	NAT.US.P	09/664,855	MJS
7/11/07	Due Date	1st OA Resp	217537US	<i>EPH</i>	2	DIV.US.P	10/029,238	GJM
7/11/07	Due Date	IDS - Section	225268US	<i>EPH</i> 7/12	2	PCT.US.2.P	10/169,091	GJM
7/11/07	Due Date	IDS - Section	226968US	<i>EPH</i>	2	PCT.US.2	10/204,407	MJS

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Due	Due Date	Description:	OPTMS Case ID	ODS Docket No	Sec	Case Type	AppIn No	Rsp Atty
7/11/07	Due Date	IDS - Section	230796US		2	DIV.US	10/330,274	MJS
7/11/07	Due Date	OA Response	235157US		2	PCT.US.2.P	10/381,739	MJS
7/11/07	Due Date	IDS - Section	238316US		2	NAT.US.P	10/447,237	CIM
7/11/07	Final	IDS - Section	242699US		2	PCTBYPASS.2	10/641,056	SPW
7/11/07	Due Date	IDS - Section	244925US		2	NAT.US.P	10/679,412	MJS
7/11/07	Due Date	IDS Due-Section	244925US		2	NAT.US.P	10/700,513	BDL
7/11/07	Final	IDS Due-Section	244925US		2	NAT.US.P	10/773,245	SPW
7/11/07	Final	IDS Due-Section	248707US		2	NAT.US.P	10/773,245	SPW
7/11/07	Due Date	IDS Due	250832US		2	PCTBYPASS.2	10/810,694	MJS
7/11/07	Due Date	Drawings Due	250908US		2	NAT.US.P	10/806,180	MJS
7/11/07	Due Date	1st OA Resp	250908US		2	NAT.US.P	10/806,180	MJS
7/11/07	Final	Pub Fee Due	252538US		2	NAT.US.P	10/832,422	SPW
7/11/07	Final	Issue Fee	252538US		2	NAT.US.P	10/832,422	SPW
7/11/07	Due Date	1st OA Resp	256405US		2	NAT.US.P	10/896,889	MJS
7/11/07	Due Date	IDS Due	257767US		2	NAT.US.P	10/926,180	CIM

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7/11/07	Due Date	1st OA Resp	259527US	<i>F HC</i>	2	NAT.US.P	10/948,223	CIM
7/11/07	Due Date	IDS - Section	263475US	<i>7/12</i>	2	NAT.US.P	11/019,424	CIM
7/11/07	Due Date	OA Response	265059US	<i>F HC</i>	2	NAT.US.P	11/043,257	MJS
7/11/07	Due Date	Final Resp	272688US	<i>604</i>	2	NAT.US.N	11/131,204	CIM
7/11/07	Due Date	IDS - Section	275545US	<i>F HC</i>	2	NAT.US.P	11/184,921	CIM
7/11/07	Due Date	1.56 File By	278163US	<i>604</i>	2	NAT.US.P	11/221,943	MJS
7/11/07	Due Date	1.56 File By	278802US	<i>604</i>	2	NAT.US.P	11/231,983	MJS
7/11/07	Due Date	Final Resp	278935US	<i>F HC</i>	2	NAT.US.P	11/235,211	RDK
7/11/07	Due Date	IDS - Section	283252US	<i>F HC</i>	2	NAT.US.P	11/317,023	MJS
7/11/07	Final	1st OA Resp (3rd)	285988US	<i>F HC</i>	2	CONT.US.P	11/484,628	BDL
7/11/07	Due Date	1st OA Resp	293215US	<i>604</i>	2	NAT.US.P	11/427,633	MJS
7/11/07	Final	Application Due	293937US	<i>NOT REC' SHOW</i>	2	PROV.US.P	60/831,665	SPW
7/11/07	Due Date	Declaration Due	299854US	<i>EXU</i>	2	NAT.US.P	11/691,693	JJK
7/11/07	Due Date	File By	303038US	<i>8/11</i>	2	NAT.US		EHK
7/11/07	Due Date	File By	304058US	<i>7/25</i>	2	PROV.US		JDM
7/11/07	Due Date	File By	304064US	<i>↓</i>	2	PROV.US		JDM

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7/11/07	Due Date	File By	304065US	7/25	2	PROV.US		JDM
7/11/07	Due Date	IDS Due	304299US	F AC	2	DIV.US.P	11/691,181	JJK
7/11/07	Due Date	File By	304471US	7/25	2	NAT.US.P		BDL
7/11/07	Due Date	Drawings Due	305623US	C AC	2	DIV.US.P	11/689,352	BDL
7/11/07	Due Date	1st Office action - Reexam	306517US	8/11	2	REX.US		SAM
7/11/07	Due Date	1st Office action - Reexam	306549US		2	REX.US		SAM
7/11/07	Due Date	1st Office action - Reexam	306551US		2	REX.US		SAM
7/11/07	Due Date	1st Office action - Reexam	306613US		2	REX.US		SAM
7/11/07	Due Date	File By	308635US	7/18	2	CONT.US.P		BDL
7/11/07	Due Date	File By	309017US	8/11	2	PROV.US		EHK
7/11/07	Due Date	1st OA Resp	309618US	60+	2	NAT.US.P	10/814,863	BDL
7/11/07	Due Date	File By	310747US	7/25	2	PROV.US		JDM
7/11/07	Due Date	File By	310748US		2	PROV.US		JDM
7/11/07	Due Date	Pet to Revive	311418US	8/11	2	NAT.US	09/526,680	BDL
7/11/07	Due Date	File By	312017US	6/11	2	PROV.US		RDK
7/11/07	Due Date	File By	311661US	→ EHK	JFO	NAT.US.P		NFO

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Due	Due Date	Description:	OPTMS Case ID	ODS Docket No	Sec	Case Type	Appln No	Rsp Atty
7/11/07	Due Date	IDS Due	311661US	<i>A EFW</i>	JF0	NAT.US.P		NFO